THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.17262 of 2006

Date: 08-09-2006

Between:
Smt.Chinnem Parvathi Petitioner

And

The District Collector & Chairman, S.S.A. Kadapa, Kadapa District and others.

Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.17262 of 2006

ORDER:

1. On 23-8-2006, the learned A.G.P. for Panchayat Raj had taken notice for respondents 1 and 2 and respondent No.5 and Sri Upender Reddy had taken notice for R.4 and requested time to get instructions and the matter was adjourned to 28-8-2006 and again on 30-8-2006. Notice before admission was ordered by this court on 30-08-2006 and Sri Upender Reddy stated that though funds had been sanctioned at present there is no such proposal to further proceed with the construction as specified by the writ petitioner in the affidavit filed in support of the writ petition and the same was recorded by this court and directed the matter to appear in the list after two weeks.

2. The learned A.G.P. for Panchayat Raj had placed written instructions of Deputy Executive Engineer, S.S.A. Proddatur.

3. The writ petition is filed for a Writ of Mandamus declaring the action of the respondents in making preparations to construct newly sanctioned Two (2) Additional Class Rooms in a new place in Survey No.35 far away from the existing Mandal Parishad Primary School Building in Survey No.8/3 of kothapet village, H/o. Peddashettipalli Gram Panchayat, Proddutur Mandal, Kadapa District as bad, illegal, arbitrary and contrary to the procedure laid down under the law and consequently direct the respondents to construct sanctioned two (2) Additional Class Rooms within the premises of existing MPP School in Survey No.8/3 of Kothapet village,H/o. Peddashettipalli Gram Panchayat, Proddutur Mandal, Kadapa District and pass such other suitable orders.

4. The Sarpanch of the Gram Panchayat filed the present writ petition and it is stated that in Kothapeta village Mandal Parishad Primary School was established and building was constructed in Survey No.8/3 long back and subsequently the respondents had constructed school building in Survey No.8/3 in an area of Ac.1.50 cents, as an extension of the school building according to the needs. It is also stated that a kitchen was constructed within the premises of the School building located in Survey No.8/3 under mid day meal programme to the students. It is further stated that the school is being run at the said premises in Survey No.8/3 and even there is vacant place for playground for the students. It is also stated that the first respondent had issued orders granting

administrative sanction for construction of school buildings/Additional class rooms in the existing school in the proceedings R.C.No.94/Ex.A.2/SSA/2006-07 dated -06-2006 and wherein the first respondent had sanctioned two additional class rooms for the Mandal Parishad Primary School at Kothapeta Village. It is also stated that in pursuance of the said order when the respondents are started preparations and when they contacted the Gram Panchayat and the M.P. Primary School, the petitioner made a proposal to construct the said two additional class rooms which was sanctioned recently adjacent to the existing school building in Survey No.8/3 of Kothapeta as there is a sufficient vacant site available. It is also stated that to the utter surprise few days back, the 4th and 5th respondents came to the village and at the instance of local M.L.A. and the rival political group in the village inspected the site admeasuring 75 cents in Survey No.35 of Kothapeta Village which is very adjacent to the burial ground and also Idga and the said site is far away from the existing school building in Survey No.8/3. It is stated that immediately the teachers and the parents of the students had raised an objection for proposing to construct additional class rooms in Survey No.35 as it would become inconvenience to the teachers and the students. It is also stated that the petitioner made a representation dated 11.08.2006 to the first respondent requesting him to direct the respondents 4 and 5 to construct the additional class rooms in the existing school premises in Survey No.8/3 but so far no steps had been taken by the first respondent. Similarly the Chairman of the School Education Committee, Mandal Upper Primary School, Kothapet had also submitted representation to the 1st respondent requesting to construct the Additional class Rooms within the premises of existing school. On the other hand the respondents 4 and 5 at the instance of the local M.L.A. have been making preparations to lay a foundation stone and to start construction work at the site in Survey No.35. Several other factual details had been narrated in relation to the inconvenience to which the students and the general public would be put to and also the objections raised in relation thereto by the teachers, parents of the students and other villagers etc. The representation dated 11.08.2006 also had been enclosed in the material papers filed along with the writ petition.

5. In the instructions placed before this court the Deputy Executive Engineer, S.S.A., Proddatur had stated that there is no sufficient vacant site to construct two A.C.R. (Additional Class Rooms) at existing school premises. An extent of land 1200 square feet is required for construction of A.C.R.'s and there is no such

place in the existing school premises. It is also stated that one acre government land is available on the west side, which is adjacent to the village. After detailed enquiry, it is decided for construction of A.C.Rooms in survey No.35 only. The burial ground is far away from the site of survey No.35. The said land is more useful for construction of more classrooms in future and also useful for playground. The one-acre land is purely government land, which is available for construction of school buildings without payment of land cost. It is also submitted that the lands surrounding of Kotapeta are very costly lands and also it is very nearer to Proddatur town. These instructions placed before the court by learned A.G.P. for Panchayat Raj are hereby recorded.

6. As can be seen from the respective stands taken by the parties, the main grievance of the petitioner-present Sarpanch appears to be that the convenience of the students and the public at large of the village had not been taken into consideration. The representation made by the petitioner also would reflect the same. It is needless to say that the authorities while taking a decision in such matters may have to take into consideration all the facts and circumstances and also keeping in view the convenience of students, teachers and public also. Inasmuch as this is a matter concerned with the school building, it is needless to say that the District Collector and Chairman S.S.A. Kadapa, Kadapa District is the competent authority to take a decision in this regard.

7. In the peculiar facts and circumstances, this court is of the considered opinion that the first respondent is the competent authority to look into the grievance ventilated by the petitioner which are more or less in the nature of public interest and take a decision in this regard at the earliest point of time preferably within a period of 10 days from the date of receipt of a copy of this order.

8. The writ petition is disposed of accordingly. No order as to costs.

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08-09-2006

Note:
Registry to dispatch the order within three days.

B/o.
Stp